



FOR IMMEDIATE RELEASE
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PHOENIX MAN CHARGED WITH FEDERAL OFFENSES RELATING TO MURDER OF A TAXI CAB DRIVER

PHOENIX – A federal grand jury in Phoenix returned a two count indictment, on March 7, 2007, against Jimmy Presley Hodge, 26, of Phoenix, for Interference With Commerce by Threats and Violence, and Use of a Firearm in Connection with a Crime of Violence Causing Death.

The indictment alleges that on December 1, 2004, Jimmy Presley Hodge planned and attempted to rob James E. Barker, a taxi cab driver, in the area of North 39th Street and East Clarendon Avenue, in Phoenix, Arizona. During the course of the attempted robbery, Hodge shot and killed James E. Barker. At that time, Barker was operating a taxi cab affiliated with Discount Cab and was engaged in the business of transporting passengers for fares, who were moving in, and a part of, interstate and foreign commerce. As a result of James E. Barker's murder, Hodge interrupted and adversely affected interstate and foreign commerce.

A conviction for Title 18, United States Code, Sections 1951 (the Hobbs Act) carries a maximum penalty of 20 years in prison, a \$250,000 fine, or both. A conviction for Use of a Firearm in Connection with a Crime of Violence Causing Death carries a minimum mandatory consecutive term of 10 years in prison, and up to life in prison or death, a \$250,000 fine, or both. In determining any sentence other than death, Judge Frederick J. Martone will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by the Sentencing Guidelines in determining a sentence. With respect to the death penalty, the penalty may generally only be imposed after a special verdict relating to the death penalty by a jury.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by the Phoenix Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives. The prosecution is being handled by Assistant U.S. Attorneys Frederick A. Battista and Robert Long.

CASE NUMBER: CR-07-262-PHX-FJM
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